

### **Remarks**

Applicant and the undersigned would like to thank the Examiner for her efforts in the examination of this application. Reconsideration is respectfully requested.

#### **I. Priority**

The Examiner has noted that a certified copy of the priority document DE 102 33 053.0 had not been filed.

This document is enclosed herewith.

#### **II. Rejection of Claims 1-3, 5-9, 12-16, and 20-23 under 35 USC 102(e)**

The Examiner has rejected Claims 1-3, 5-9, 12-16, and 20-23 under 35 USC 102(e) as being anticipated by Gonon (US 6,322,533).

Independent Claims 1, 20, and 21 have been amended to more particularly point out that which Applicants regard as their invention. In particular, the position of the pressure sensor has been clarified as being between the pressure side of the rinse pump and the outlet of the channel through which rinsing fluid is introduced into the body cavity.

In Gonon, the sensor or detector DEP1, DEP2, . . . , DEPn, which is recited as being "sensitive to a pressure and/or flow variation" in the cited portion of the Specification at col. 6, lines 43-46, is disposed in the aspiration line, as opposed to the liquid source line as in the present invention.

**III. Rejection of Claim 4 under 35 USC 103(a)**

The Examiner has rejected Claim 4 under 35 USC 103(a) as being unpatentable over Gonon as modified by Stoller et al. (US 2004/0034339).

As Claim 4 is dependent from Claim 1, believed patentable, Claim 4 is also believed patentable over the cited art.

**IV. Rejection of Claim 11 under 35 USC 103(a)**

The Examiner has rejected Claim 11 under 35 USC 103(a) as being unpatentable over Gonon as modified by Sanese (US 5,368,569).

This rejection is respectfully traversed. Gonon teaches the use of pressures of up to 150 bar (col. 4, lines 30-32). In order to achieve 10 bar with a height-controlled container, the container would have to be elevated 100 meters above the instrument. In order to achieve 150 bar with a height-controlled container, the container would have to be elevated 1500 meters above the instrument. Thus there is no possibility to combine the disclosures of Gonon and Sanese and reach the invention as recited in Claim 11.

Further, as Claim 11 is dependent from Claim 1, believed patentable, Claim 11 is also believed patentable over the cited art.

**V. Rejection of Claim 17 under 35 USC 103(a)**

The Examiner has rejected Claim 17 under 35 USC 103(a) as being unpatentable over Gonon as modified by Romanelli et al. (US 4,755,168).

As Claim 17 is dependent from Claim 1, believed patentable, Claim 17 is also believed patentable over the cited art.

**VI. Rejection of Claim 18 under 35 USC 103(a)**

The Examiner has rejected Claim 18 under 35 USC 103(a) as being unpatentable over Gonon as modified by Campbell (US 5,836,907).

As Claim 18 is dependent from Claim 1, believed patentable, Claim 18 is also believed patentable over the cited art.

**VII. Allowable Subject Matter**

The Examiner has indicated Claims 10 and 19 to contain allowable subject matter, which Applicants acknowledge with appreciation.

**Conclusions**

Applicants respectfully submit that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. Applicants and the undersigned would like to again thank the Examiner for her efforts in the examination of this application and for reconsideration of the claims as amended in light of the

arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



---

Jacqueline E. Hartt, Ph.D.

Reg. No. 37,845

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.

255 South Orange Avenue, Suite 1401

P.O. Box 3791

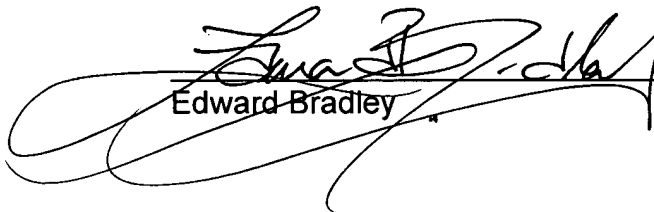
Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 8<sup>th</sup> day of June, 2006.



---

Edward Bradley